

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TERRELL ALBERT BISHOP,

Plaintiff,

Civil No: 10-CV-10677

PAUL D. BORMAN

v.

UNITED STATES DISTRICT JUDGE

TARE ANDREW WIGOD,

Defendant,

OPINION AND ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION

On March 1, 2010, this Court dismissed Plaintiff's civil rights complaint brought pursuant to 42 U.S.C. § 1983, on the ground that Plaintiff had failed to state a claim upon which relief could be granted. The Court also certified that any appeal undertaken by Plaintiff would not be in good faith. *See Bishop v. Wigod*, No. 10-CV-10677, 2010 WL 743031 (E.D. Mich. March 1, 2010). Plaintiff has now filed a motion for reconsideration. For the reasons stated below, the motion is denied.

E.D. Mich. LR 7.1(h) allows a party to file a motion for reconsideration. In order for a court to grant a motion for reconsideration, the movant must show (1) a palpable defect; (2) that misled the court and the parties; and (3) that correcting the defect will result in a different disposition of the case. *Sigma Financial Corp. v. American Intern. Specialty Lines Ins. Co.*, 200 F. Supp. 2d 710, 715 (E.D. Mich. 2002). A 'palpable defect' is a defect which is considered "obvious, clear, unmistakable, manifest, or plain." *Id.* As a general rule, a court will not grant a motion for rehearing

or reconsideration that merely presents the same issues ruled upon by the court, either expressly or by reasonable implication. *Id.*

Plaintiff's motion for reconsideration will be denied because he is merely presenting issues which were already ruled upon by this Court, either expressly or by reasonable implication, when the Court dismissed Plaintiff's civil rights complaint. *See Hence v. Smith*, 49 F. Supp. 2d 549, 553 (E.D. Mich. 1999).

ORDER

IT IS ORDERED that Plaintiff's motion for reconsideration [Court Docket Entry # 6] is DENIED.

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: May 20, 2010

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on May 20, 2010.

s/Denise Goodine

Case Manager